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DARRYL JACKSON

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND

DARRYL JACKSON,
Plaintiff,

vs.

YANG MING (AMERICA)
CORPORATION, a New York corporation,
and DOES 1 through 100, inclusive,
Defendants.

Civil Action No.

C07-06412
COMPLAINT FOR DAMAGES
(DEMAND FOR JURY TRIAL)

NOW INTO COURT, through undersigned counsel, comes plaintiff, DARRYL JACKSON, an adult resident citizen of the City of Oakland, County of Alameda, State of California, and who respectfully represents the following, to wit:

I.

Plaintiff brings this action pursuant to the General Maritime Laws of the United States, 28 U.S.C. §§ 1331 and 1332 and pursuant to the provision of 33 U.S.C.A. §905(b), and all statutes supplemental and amendatory thereto.

II.

Made party defendant herein is YANG MING (AMERICA) CORPORATION, upon information and belief, a New York corporation with its principal place of business in Jersey City, New Jersey, which is qualified to do and doing business within the jurisdiction of this Honorable Court and the State of

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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1 California.

2 III.

3 On or about December 15, 2006, plaintiff, DARRYL JACKSON, was employed as a
4 Longshoreman and member of International Longshoremen and Warehousemen Union, Local 10, with
5 Pacific Maritime Association and working on M/V Wealth which was moored at Berth 55 at the Marine
6 Terminal Company at the Port of Oakland, County of Alameda, State of California.

7 IV.

8 On or about December 15, 2006, the defendant YANG MING (AMERICA) CORPORATION,
9 owned, operated and controlled M/V WEALTH.

10 V.

11 On or about December 15, 2006, plaintiff, DARRYL JACKSON, was climbing down stairs on
12 M/V WEALTH when he slipped on oil that was on the stairs, thereby causing plaintiff to lose his
13 balance and causing him to fall down the stairs.

14 VI.

15 On or about December 15, 2006, plaintiff, DARRYL JACKSON, sustained serious injury to his
16 mind and body while in the course of his employment on M/V WEALTH.

17 VII.

18 That the cause, in whole or in part, of this accident was the negligence, fault or inattention of
19 duties by the defendants M/V WEALTH and YANG MING (AMERICA) CORPORATION, their agents
20 or employees in one or more of the following non-exclusive particulars, to wit:

- 21 a. Failing to properly and safely operate its vessel;
22 b. Failing to avoid the plaintiff's accident;
23 c. Failing to keep the vessel under control;
24 d. Failing to give proper and appropriate warnings to the plaintiff; and
25 e. Other negligent acts and/or omissions to be shown at the trial of this action.

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VIII.

As a result of the above and foregoing negligent acts and/or omissions by defendants, M/V WEALTH and YANG MING (AMERICA) CORPORATION, plaintiff, DARRYL JACKSON, suffered severe and disabling physical and mental injuries and seeks monetary damages for the following, to wit:

- a. Past and future loss of wages;
- b. Impairment of future earning capacity;
- c. Physical pain and suffering;
- d. Mental and emotional pain and suffering;
- e. Past and future medical expenses;
- f. Loss of enjoyment of life;
- g. Loss of found and other related expenses; and
- h. Additional damages to be shown at the trial of this action.

IX.

The amount in controversy exceeds the sum of \$75,000.00 (Seventy-Five Thousand and 00/100 Dollars), exclusive of interest and costs.

X.

Plaintiff was not at fault in causing this accident or the resultant damages.

WHEREFORE, plaintiff, DARRYL JACKSON, prays for judgment herein in his favor and against the defendants herein, YANG MING, et al., in the full and total true sum of \$4,000,000.00 (Four Million and 00/100 Dollars) and for all other general and equitable relief for which he may be entitled.

Dated: December 19, 2007

Respectfully Submitted,

BOXER & GERSON, LLP

By: 

GARY B. ROTH
Attorney for Plaintiff
DARRYL JACKSON

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands trial by jury for all claims for which a jury is permitted.

Dated: December 19, 2007

BOXER & GERSON, LLP

By: 

GARY B. ROTH
Attorney for Plaintiff
DARRYL JACKSON

PLEASE SERVE:

Yang Ming (America) Corporation
Through its Registered Agent for Service of Process:

Corporation Service Company
(doing business in California as)
CSC - Lawyers Incorporating Service
P.O. Box 526036
Sacramento, California 95852